

In re:

Brett J. Gardner,
Amy L. Gardner

Debtor(s)

Chapter 13

Case No. 17-31032 BHL

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

Brett J. Gardner and Amy L. Gardner (*Name of proponent of modification*) have filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue, Rm. 126
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Attorney Helen M. Ludwig
200 S. Executive Dr., Ste 101
Brookfield, WI 53005
Ph: 262-827-4685
Fax: 262-436-2458

You must also mail a copy to:

Attorney Helen M. Ludwig
Ludwig Law, LLC
200 S. Executive Dr., Suite 101
Brookfield, WI 53005

If you or your attorney do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:

 X the Debtor(s);

 the Chapter 13 Trustee (post-confirmation modifications only);

 the holder of an unsecured claim (Name:) (post-confirmation modifications only).

2. This is a request to modify a Chapter 13 Plan (Select A. or B.):

A. post-confirmation;

B. X pre-confirmation (Select i. or ii.);

i. Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or

ii. X Debtor(s)/Debtor(s) attorney certifies that the proposed

modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are: DLJ Mortgage Capital, Inc. and North Shore Bank

3. The Proponent wishes to modify the Chapter 13 Plan to do the following:

- a. Debtors will pay in full DLJ Mortgage Capital, Inc.'s claim for prepetition escrow arrearage in full by direct payment to DLJ Mortgage Capital, Inc. on or before October 15, 2017. Upon receipt of payment, DLJ Mortgage Capital, Inc. will amend its claim.
 - b. Per agreement between the debtors and North Shore Bank, the mortgage of North Shore Bank shall be stripped and satisfied upon completion of the chapter 13 plan. In the event the plan is not completed the lien shall remain. Debtors shall not be required to file an adversary proceeding to strip the lien. North Shore Bank's claim shall be treated as a general unsecured claim in the plan.
4. The reason(s) for the modification is/are: to clarify the treatment of secured claims.
5. Select A. or B.
- A._____ The Chapter 13 Plan confirmed or last modified on _____ (date) is modified as follows: (*State the specific language of the modification.*)
- B. X The unconfirmed Chapter 13 Plan dated July 31, 2017 is modified

as follows:

- a. Debtors will pay in full DLJ Mortgage Capital, Inc.'s claim for prepetition escrow arrearage in full by direct payment to DLJ Mortgage Capital, Inc. on or before October 15, 2017. Upon receipt of payment, DLJ Mortgage Capital, Inc. will amend its claim.

- b. Per agreement between the debtors and North Shore Bank, the mortgage of North Shore Bank shall be stripped and satisfied upon completion of the chapter 13 plan. In the event the plan is not completed the lien shall remain. Debtors shall not be required to file an adversary proceeding to strip the lien. North Shore Bank's claim shall be treated as a general unsecured claim in the plan.

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.

CERTIFICATION

Complete one of the certifications below:

1. I/We _____ the debtor(s) in this case, certify that I/we have reviewed the modification to the Chapter 13 plan proposed in this motion, and I/we authorize my/our attorney to file it with the court.

Debtor

Date

Debtor

Date

OR

2. I, Helen M. Ludwig, attorney for debtor(s), certify that I have reviewed the modification proposed above with the debtor(s), Brett J. Gardner and Amy L. Gardner, and that the debtors have authorized me to file it with the court.

/S/ Helen M. Ludwig
Counsel for the debtor(s)

September 27, 2017
Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated: September 27, 2017

Attorneys for Debtors, Ludwig Law, LLC

At Brookfield, Wisconsin

By: Helen M. Ludwig

Bar No.: 01011755